

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDIANA AREA SCHOOL DISTRICT) No. 04-1696
Plaintiff) Judge Donetta W. Ambrose
v.)
H.H. by and through his Parents, K.H.)
and W.H.)
Defendants.)

**CONSENT ORDER FOR AN INJUNCTION
AND DECLARATORY RELIEF**

1. Defendants filed a Motion for Preliminary Injunction and Declaratory Relief pursuant to Section 1415(j) of the Individuals With Disabilities in Education Act.
2. In their Motion for Preliminary Injunction, the Defendants requested that this Court order the District to reimburse the Defendants for their out-of-pocket expenses associated with the student's private placement.
3. The District filed a response to the Motion for Preliminary Injunction in which it conceded that the District must fund the "current educational placement" for the 2004-2005 school year, but objected to the characterization of the 2003-2004 school year monetary tuition reimbursement award as educational placement.
4. The Appeals Panel decision was issued in September of 2004 which established the one-half ($\frac{1}{2}$) day at the private school as the "stay-put" placement during the pendency of these proceedings.
5. Pendency will not be at issue for the 2005-2006 school year, because the parties have reached agreement on the educational placement for H.H.

6. The District agrees to reimburse the Defendants \$14,800.00 which constitutes the tuition paid for the current stay put placement during the 2004-2005 school year.
7. Based upon this payment by the District, the Defendants aver that the need for a hearing is no longer necessary. The issue of tuition reimbursement for the 2003-2004 school year is not waived.
8. The Reimbursement and compensatory education claims for the 2003-2004 school year as well as all other claims are still at issue in this matter and are currently before the Court on Motions For Summary Judgment filed by each party.

WHEREFORE, the District is to make payment to the Defendants in the amount of \$14,800.00 for reimbursement of the current educational placement during the 2004-2005 school year. Payment is to be made within forty-five (45) days of this Order.

CONSENTED TO BY:

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June 29, 2005
mpc

BY THE COURT:

Daretta F. Ambrose J.